



October 31, 2002

Mr. Paul Marshall
California Department of Water Resources
Bay-Delta Office
1416 Ninth Street
PO Box 942836
Sacramento CA 94236-0001

Subject: Scoping Comments for South Delta Improvements Program (SDIP)

Dear Mr. Marshall:

Environmental Defense is concerned that implementation of the SDIP will worsen fishery conditions in the San Francisco Bay-Delta and Central Valley Watershed. Populations of both estuarine and anadromous fish, including endangered species listed for protection under federal and State law, have generally declined over the past several decades as the overall level of exports from the Delta has increased. We are concerned that the preliminary studies for operation of the SDIP, even under a modified Environmental Water Account, have shown that the overall entrainment of fish at the export pumps is expected to increase over both current and historic levels.

We understand, however, that the timing, in addition to the volume, of export pumping does make a difference. The Environmental Impact Statement for the SDIP should, at a minimum, include an alternative that would dedicate the additional export capacity entirely to improving the timing of export operations to protect fisheries with no net increase in Delta exports.

Even if such an environmental alternative were adopted, however, we question whether the objective of operating to improve fisheries would actually be implemented. Environmental water management objectives, whether mandated by legislation or administrative action, such as the CALFED Decision, have generally not been met. These broken promises include:

- The initial authorization of the Trinity project, “guaranteed” not to diminish the River’s fishery resources, as well as subsequent legislation to restore the river. Downstream communities continue to suffer while a restoration program languishes under litigation. After two decades, studies “continue”.

- The 800,000 acre-feet of Central Valley Project yield ((b)(2) water), dedicated to the primary purpose of doubling anadromous fish, has been diminished, almost to nothingness, by litigation and administrative “discretion”. Some of this dedication will be accounted for the previously existing obligation to meet flow objectives on the American River. And in many, if not most years, the entire remaining volume may be charged to federal obligations under other existing statutes, notably the CVP’s majority share of the Clean Water Act¹ and the Endangered Species Act.
- The CALFED ROD stipulation by fishery agencies that Endangered Species Act assurances will be granted only under protective conditions that include the (b)(2) water as specified by Interior’s 1999 decision and an Environmental Water Account with a combination of fixed (i.e. funding) and variable (operational) assets. As mentioned above, the (b)(2) account has been severely diminished. The EWA funding has diminished as well, and recent studies have indicated that the variable assets are likely to be much scarcer than originally projected. Yet the fishery agencies were pressured to grant the ESA assurances in 2002.

Environmental Defense requests two things. First, we ask that the EIS analyze an operational alternative for the expanded export capacity that is entirely dedicated to reducing fish entrainment below historic levels. Second, if the project does go forward, we ask the Department of Water Resources and other agencies to develop guarantees that the environmental commitments within the preferred alternative will be honored over time. Such guarantees will need to be stronger than the promises of the past to be credible.

Thank you for your consideration of these comments.



Spreck Rosekrans
Senior Analyst

¹ CVP water supply studies have estimated it is meeting 66% of the WQCP obligations, even though the original Bay Delta Accord was based on “50-50” sharing.